

No. 9/5/84-6 Lab/9220.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Haryana Electro Steel Ltd., Larsoli, Sonapat :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 61 of 1984

between

SHRI RANDHIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA ELECTRO STEEL LTD., LARSOLI, SONEPAT

Present :—

Shri P. S. Lakra, A.R. for the workman.

None, for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Randhir Singh and the management of M/s Haryana Electro Steel Ltd., Larsoli, Sonapat, to this Court, for adjudication,—*vide* Haryana Government Notification No. 15834—39, dated 24th April, 1984 :—

Whether the termination of services of Shri Randhir Singh is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Truck Driver with effect from 7th September, 1980 but the respondent refused to take him on the job on 31st October, 1983 and thereby terminated his services without any prior notice or payment of any retrenchment compensation as envisaged under section 25-F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*.

4. Later on, after the statement of the workman had been recorded, the management absented and as such *ex parte* proceedings order was passed against the management on 24th August, 1985.

5. The workman appeared as WW-1 and made a statement that he was employed on 9th July, 1980 as a Truck Driver on monthly wages of Rs. 650 on the date of termination and that no charge-sheet was issued to him and that at the time of termination of his services he was paid wages for overtime. He further stated that he never submitted resignation as alleged by the management and that the management had obtained his signatures on a blank paper in the year 1980.

6. I see no reason to disbelieve the un rebutted testimony of the workman and find that the management choose to terminate the services of the workman without complying with the provisions of section 25F of the Industrial Disputes Act, 1947 and as such, order of termination cannot be sustained. The workman is ordered to be reinstated with benefit of previous service and full back wages. The reference is answered and returned accordingly. There is no order as to cost.

Dated, the 4th September, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

Endorsement No. 61-84/1634, dated 11th October, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.